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9 **UNITED STATES DISTRICT COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

11 LAMONT TARKINGTON,	) Case No.: 2:18-CV-07636-CJC-JC
	)
12 Plaintiff,	) <b>PLAINTIFF’S NOTICE OF MOTION</b>
	) <b>AND MOTION TO ENFORCE</b>
13 vs.	) <b>SETTLEMENT AGREEMENT</b>
	)
14	)
15 COUNTY OF LOS ANGELES; LOS	) Date: October 5, 2020
16 ANGELES COUNTY SHERIFF’S	) Time: 1:30 p.m.
17 DEPARTMENT; LOS ANGELES	) Ctrm.: 9B
18 COUNTY SHERIFF JIM MCDONNELL;	) Judge: Hon. Cormac J. Carney
19 LAUREN BROWN; JAMES MURREN;	)
20 DONALD YOUNG; LAWRENCE	)
21 BEACH ALLEN CHOI PC; and DOES 1-	)
22 10 INCLUSIVE;	)
	)
Defendants.	)

23 PLEASE TAKE NOTICE that on October 5, 2020, at 1:30 p.m. in Courtroom 9B  
24 of the above-entitled Court before the Hon. Cormac J. Carney, Plaintiff LaMont  
25 Tarkington ( “Plaintiff”) will and does move the Court for an Order to enforce the  
26 settlement agreement.

27 Plaintiff met and conferred with Defendants before filing this motion pursuant to  
28 Local Rule 7-3.

1 On December 3, 2019, the parties agreed to settle the above-captioned matter for a  
2 certain amount. Defendants informed Plaintiff that the County of Los Angeles Board of  
3 Supervisors will need 6-months to approve the settlement.

4 Since Defendants failed to approve the settlement within 6-months, Plaintiff filed a  
5 Motion to Enforce the Settlement, which was set for hearing on July 20, 2020. During  
6 the hearing, Defendants represented to the Court that the settlement will be approved by  
7 the Board shortly.

8 On August 4, 2020, the Los Angeles County Board of Supervisors finally approved  
9 the settlement, which is 8-months after the settlement on December 3, 2019.

10 Since August 4, 2020, Plaintiff has asked Defendants on numerous occasions for  
11 the status of payment of the settlement. Due to Defendants' unresponsiveness and refusal  
12 to give a date certain for payment of the settlement, Plaintiff was forced to file an ex parte  
13 application to enforce the settlement. (**Dkt. 153.**) In its Opposition to the ex parte  
14 application, Defendants maintained that payment will be available within two weeks of  
15 August 19, 2020. (**Dkt. 154** at 2-3.) On August 31, 2020, the Court denied Plaintiff's ex  
16 parte application and indicated Plaintiff is free to file a regularly-noticed motion for the  
17 relief sought.

18 As of the filing of this motion, Defendants still has not issued payment within 2-  
19 weeks of August 19, 2020. Defendants still have not advised as to when payment of the  
20 settlement will be issued in spite of numerous requests for an update since August 19,  
21 2020.

22 Defendants simply have been taking advantage of the situation by refusing to issue  
23 payment at Plaintiff's expense.

24 Defendants have not been acting in good faith because they repeatedly state that  
25 there is no deadline for them to issue payment when demand for payment is made.

26 Based on the foregoing, Plaintiff respectfully requests an Order for the following:  
27 That Defendants issue payment of the settlement forthwith.  
28

1 That Defendants pay interest on any unpaid portion of the settlement at 10% per  
2 month until the full settlement amount is paid as of the date of the settlement of  
3 December 3, 2019.

4 That Plaintiff be entitled to attorney's fees and costs to be determined in a noticed  
5 motion.

6 All other relief the Court deems just and proper.

7  
8 Dated: September 4, 2020

By: /s/ Leo James Terrell

9 Leo James Terrell, Esq.  
10 Attorneys for Plaintiff,  
11 LaMont Tarkington  
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